



Fourth Meeting  
2005 Interim  
November 18, 2005

Room 412  
State Capitol  
Pierre, South Dakota

The fourth meeting of the Legislature's State-Tribal Relations Committee was called to order by Chair Senator Stanford M. Adelstein at 9:40 a.m. (CT), November 18, 2005, in Room 412 of the State Capitol, in Pierre, South Dakota.

The following members answered the roll call: Senators Stan Adelstein (Chair), Bob Gray, and Tom Dempster; and Representatives Jim Bradford, Cooper Garnos, Paul Valandra (Vice Chair), and Thomas Van Norman. Senators Julie Bartling and Theresa Two Bulls; and Representative J.E. "Jim" Putnam were excused.

Staff members present were Tom Magedanz, Principal Research Analyst, and Teri Retrum, Senior Legislative Secretary.

(NOTE: For the sake of continuity, the following minutes are not necessarily in chronological order. All referenced documents are on file with the Master Minutes.)

### Approval of Minutes

**SENATOR DEMPSTER MOVED, SECONDED BY REPRESENTATIVE VALANDRA, THAT THE MINUTES OF THE THIRD MEETING (SEPTEMBER 13 AND 14, 2005) BE APPROVED. The motion prevailed unanimously on a voice vote.**

### Film-Making Activities and Opportunity in South Dakota

**Ms. Billie Jo Waara**, Director of the South Dakota Office of Tourism; **Mr. Moses Brings Plenty** and **Ms. Karla La Rive** of the Lakota Film and Television Group and the Black Hills Film Resource Council; and **Mr. Clifton Skye** of the United Sioux Tribes discussed economic development opportunities in film making in South Dakota.

Ms. Waara distributed copies of the following:

- A press release announcing that the film "Comanche Warriors," shot on location in the Black Hills of South Dakota, would premiere on the History Channel on November 27, 2005, at 5:00 p.m. (**Document #1**); and
- An agenda for the 2006 Governors Tourism Conference ATTA Presentation: "Tribal Tourism Summit," to be held on Wednesday, January 18, 2006, from 9:00 a.m. to 12:00 noon (CT), hosted by the South Dakota Department of Tourism (**Document #2**).

Reviewing a PowerPoint presentation, Ms. Waara said that the Department of Tourism is closely aligned with other entities working on tourism in South Dakota, such as the Governor's Office of Economic Development, the South Dakota Historical Society, the South Dakota Arts Council, the State-Tribal Relations Committee, and the South Dakota Housing Authority and briefly discussed the Governor's 2010 Initiative regarding tourism. She said that the department uses Native American themes in its marketing efforts.

Ms. Waara said Native American culture is high on the interest list of visitors statewide, nationally, and internationally. She commented on some of the Department of Tourism's film office's activities, including casting calls, film festivals, news releases, and handling inquiries and requests. Also, Ms. Waara noted some commercials that have been filmed in South Dakota for major automakers.

Ms. Waara said that the department is working on various marketing strategies for film-making opportunities in South Dakota—revamping its film website, developing a production guide, working on advertisements, and compiling a crew and service database.

Responding to questions posed by **Representative Cooper Garnos** concerning tax incentives to film-making companies to film in South Dakota, Ms. Waara said that South Dakota already has a tax-friendly environment and that the department is working on providing that information.

At this time, **Ms. Twyla Turney**, Oglala Sioux Tribe, offered a prayer at the request of the chair. **Chair Stanford Adelstein** thanked Ms. Turney for the prayer and said that it was very much appreciated by the committee. Chair Adelstein also asked the committee to remember Mr. Vine Deloria, a noted Native American author, for his impact on literature and thought. Mr. Deloria died on November 13, 2005.

Mr. Brings Plenty and Ms. La Rive distributed copies of a PowerPoint presentation **(Document #3)**. **(Note:** The copies also included pictures of Mr. Brings Plenty acting in the film "Comanche Warrior" as Chief Quanah Parker and other pictures surrounding the making of the film.) In discussing the presentation, Ms. La Rive said that she considers South Dakota to be the "original west." She said that the state has experienced native and nonnative talent, craftspersons, and production crews. Also the state offers beautiful topography and locations. Another advantage of filming in South Dakota is that it is a "Right to Work" state and there are no corporate or personal income taxes. Ms. La Rive said that western themed projects are very popular in Hollywood. Ms. La Rive said that South Dakota is losing projects to New Mexico and that South Dakota needs to promote and market its opportunities.

Ms. La Rive suggested several ideas from an educational standpoint that might help in attracting more film making in South Dakota, such as adding historic costume and prop classes and stuntman riding classes to the current curriculum at Oglala Lakota College. Also, Ms. La Rive noted that Western Dakota Technical Institute has expressed an interest in adding production and video classes to its curriculum.

Mr. Brings Plenty said that South Dakota is known for its Native American people. He advocated making films in South Dakota and providing film makers with the tools needed to

bring those films to fruition. As an actor, Mr. Brings Plenty said that he would much prefer to live and work in South Dakota than in Hollywood. He said that being a good role model for the state's youth is important to him. Mr. Brings Plenty asked the state to promote Native American people as representatives of the state. He said that Native American people are talented in many areas of film making and are willing to work hard

Mr. Skye presented the committee with copies of a letter of support and resolution of support for the Sioux Nation Film Commission and the South Dakota Film Commission (**Document #4**). Mr. Skye told the committee of the United Sioux Tribes of South Dakota's desire to reactivate the Sioux Nation Film Commission. He said that the Tribes are requesting a partnership with the State of South Dakota to promote South Dakota film making opportunities.

### **Discussion of Gaming Issues**

**Ms. Ruth Brown**, Member of the Oglala Sioux Tribal Council, and **Mr. J.C. Crawford**, Tribal Chairman of the Sisseton-Wahpeton Oyate Sioux Tribe, discussed gaming issues. Chairman Crawford distributed copies of a PowerPoint presentation (**Document #5**). He discussed the tribal gaming operations and the part they play in the tribe's economic development plans. Included in the presentation were:

- A history of Indian gaming;
- Dakota National gaming facilities;
- Economic impact of Indian gaming on the Sisseton-Wahpeton Oyate;
- Proposed expansion of gaming;
- Economic impact of proposed expansion; and
- Sisseton-Wahpeton vision for the future.

Ms. Brown discussed a proposal for another casino on the Pine Ridge Reservation to be located south of Kadoka with better access to Interstate 90 traffic. She distributed an economic feasibility study for the proposal (**Document #5A**).

**Mr. Austin Watkins, Sr., Mr. Barry Wilfahrt**, and **Ms. Bernadine Rosane**, also provided input concerning Indian gaming.

Copies of an insert titled, "Dakota's First Dakota's Finest. Dakota Sioux Casino, Hotel Opening September 1" from the Wednesday, August 31, 2005, edition of the Watertown Public Opinion were distributed (**Document #6**).

**Mr. Barry LeBeau** discussed the Legislative Process Orientation for Tribal Leadership to be held at the Ramkota Hotel, Pierre, South Dakota, on Thursday, December 8, 2005. A copy of the agenda was distributed (**Document #7**).

**Mr. Larry Long**, Attorney General, informed the committee that the Attorney General's Office would be moving into its new building by December 2005. He said that, as part of the agreement to build the building, the Attorney General's Office agreed to provide training to tribal police officers and 911 officials and to provide office space to them. Mr. Long distributed

copies of the program for the graduation of the participants in the South Dakota Law Enforcement Basic Certification Course (**Document #8**).

**Representatives Paul Valandra and Thomas Van Norman** expressed support for the program.

**Ms. Deb Bowman**, Secretary, Department of Social Services, and staff provided presentations and projections for South Dakota's TANF reserve. Ms. Bowman discussed the Low Income Energy Assistance Program (LIEAP) Funding for State and Tribes (**Document #9**). Last year, the department provided heating assistance to over 17,500 households.

As requested, also distributed were copies of TANF Grant Award Balance Projects assuming that the state's maintenance of effort continues at the minimum level of 75%, based on state fiscal year 2007 budget (**Document #10**). Copies of an Outline of Temporary Assistance to Needy Families (TANF) were distributed (**Document #11**). A pie chart showing the use of TANF funds in Fiscal Year 2006 and a graph denoting the changes in TANF carryover by federal fiscal year were distributed (**Documents #12 and #13, respectively**).

**Mr. Robert Running Bear**, LIEAP Officer for the Oglala Sioux Tribe, spoke about the problems involved in providing heating assistance to remote areas. Mr. Running Bear expressed concern that the tribe might run out of heating assistance money by January.

#### **Alliance of Tribal Tourism Advocates**

**Ms. Daphne Richards-Cook**, Alliance of Tribal Tourism Advocates (ATTA), Rapid City, South Dakota, distributed copies of materials concerning ATTA and told the committee about the organization's activities and goals. (The materials are compiled and labeled **Document #14**.) Ms. Richards-Cook introduced **Mr. Robert W. Cournoyer**, **Ms. Myrna Leader Charge Trimble**, and **Mr. Randy Ross**, who also commented on ATTA.

Ms. Leader Charge Trimble read Tribal Tourism Talking Points (**Document #15**). She asked the committee to review ways to help strengthen the budget for ATTA.

#### **Public Testimony**

**Ms. Gwen Caldwell**, Voice of Women, updated the committee on its activities. Ms. Caldwell said that she is concerned about parents losing their children over unsubstantiated claims. She said that 65% of the children in the state's custody are Native Americans, although she believes that number to be much higher.

Chair Adelstein asked that copies of the Indian Child Welfare Act (ICWA) report be provided to the committee, and Representative Van Norman asked to have the appendices included.

**Ms. Stacey LaCompte**, Wakpa Sica Reconciliation Place, reported that the project has run out of money and said that a letter has been sent to congress requesting the funds to finish the project.

**REPRESENTATIVE VALANDRA MOVED, SECONDED BY REPRESENTATIVE GARNOS, THAT STAFF DRAFT A RESOLUTION FOR ADOPTION BY THE COMMITTEE TO BE SENT TO THE PRESIDENT AND CONGRESS CONCERNING MORE FUNDS FOR THE WAKPA SICA PROJECT. The motion prevailed on a voice vote.**

**Ms. Naomi Johnson**, distributed copies of an article from the Rapid City Journal, titled "Child Welfare System Abuses Indian Children (**Document #16**). Ms. Campbell related a personal experience with her granddaughter and the Department of Social Services and the Central Registry.

**Ms. Geraldine Medicine Eagle** said that she was unable to get her granddaughter placed with her because she was told that her name is on the Central Registry. She wants to know if her family's name is on the Central Registry. Representative Van Norman said that he believes that the Central Registry is on the Department of Social Services' website.

For informational purposes, the following materials were distributed:

- "A Guide to the Great Sioux Nation," published by the South Dakota Department of Tourism (**Document #17**);
- Responding to a request from **Senator Thomas Dempster**, A letter from the Native American High Performance Learning Communities which are operating a program in Nebraska (**Document #18**);
- As requested by Representative Valandra, House Bill 16 from the 2005 Montana Legislature requesting financial assistance for resident nonbeneficiary students (**Document #19**);
- Presidential Budget Request and Support from The Wakpa Sica Reconciliation Place (**Document #20**);
- A letter from South Dakota's congressional delegation to the President requesting financial support to complete work on the Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota (**Document #21**) and a letter from Governor Rounds to the President requesting the same (**Document #22**);
- A Lakota/ Dakota/ Nakota Art Auction Catalog (**Document #23**);
- Economic Feasibility of an East Side Gaming Facility for the Oglala Sioux Tribe, prepared by Michael K. Madden, Ph.D. (**Document #24**); and
- A request from the Defenders of the Black Hills for time on the committee's future agenda to discuss a number of issues. Members of that group also sent several e-mails urging protection of Bear Butte and the Black Hills and in opposition to constructing an underground laboratory in the abandoned Homestake mine (**Document #25**).

**Adjournment**

The meeting was adjourned at 5:10 pm.



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